EMPLOYMENT
LAWYERS
P.O. BOX 353
UXBRIDGE UB10 0UN
TELEPHONE/FAX 01895 25697
E-MAIL HYPERLINK
"mailto:ela@elaweb.org.uk"
ela@elaweb.org.uk
WEBSITE www.elaweb.org.uk

GOOD WORK: THE TAYLOR REVIEW OF MODERN WORKING PRACTICES

Submission from the Employment Lawyers Association on the Consultation documents

16 May 2018

EMPLOYMENT LAWYERS ASSOCIATION SUBMISSION

GOOD WORK: THE TAYLOR REVIEW OF MODERN WORKING PRACTICES

ENFORCEMENT OF EMPLOYMENT RIGHTS OBLIGATIONS

WORKING PARTY RESPONSE

Introduction

The Employment Lawyers Association ("ELA") is a non-political group of specialists in the field of employment law and includes those who represent Claimants and Respondents/Defendants in the Courts and Employment Tribunals. It is therefore not ELA's role to comment on the political merits or otherwise of proposed legislation, rather to make observations from a legal standpoint. The ELA's Legislative and Policy Committee is made up of both Barristers and Solicitors who meet regularly for a number of purposes, including to consider and respond to proposed new legislation.

A sub-committee, co-chaired by David Widdowson and Catrina Smith was set up by the Legislative and Policy Committee of ELA to respond to the four consultation documents issued by the Department for Business, Energy and Industrial Strategy in respond to the Matthew Taylor Review of Modern Working Practices.

In each of the documents there are some questions which we have not answered mainly because they are directed at employers and/or employees. We have concentrated our response on the areas of legal relevance.

ENFORCEMENT OF EMPLOYMENT RIGHTS RECOMMENDATIONS

State-led enforcement

1. Do you think workers typically receive pay during periods of annual leave or when they are off sick?

In conventional employment relationships (which, according to the Chartered Institute of Personnel and Development account for 80% of the working population) it is our experience that employer obligations to pay at least Statutory Sick Pay for periods of sickness absence and holiday pay in accordance with the Working Time Regulations 1998 are generally observed. The problem is in our view more significant in atypical working relationships – for example zero hours contracts – where the precise legal entitlements are not as clear as in conventional employment relationships and so there is more scope for exploitation or confusion.. Many individuals, particularly younger workers, do not appear to be aware of their rights and entitlements as workers in this respect. This is also a feature of working relationships in the "gig economy" where the relationship is labelled as one of self-employment with the intention that no obligations in these respects arises. Whether the label matches the reality is the

issue that has been the subject of significant litigation recently. However, with the courts and lawyers struggling to agree which relationships fall which side of the line and which the other, it is perhaps not surprising that employers and workers are also confused and unsure as to their rights and responsibilities.

2. Do you think problems are concentrated in any sector of the economy, or are suffered by any particular groups of workers?

Studies suggest that issues are prevalent in the bar and restaurant trade.[1] Experience amongst the ELA committee concurs and suggests similar issues may also be the case in some other industries including construction, leisure and retail. Enforcement relating to failure to pay the national minimum wage identifies relevant sectors including retailers, hospitality and hairdressers.[2] It is possible that the same sectors are underpaying / failing to account to workers for holiday pay and/or sick pay but there is no direct evidence to support this. The TUC (Trade Union Congress) and others have raised concerns about the non-payment of holiday pay for workers in supply chains.[3]

3. What barriers do you think are faced by individuals seeking to ensure they receive these payments?

Awareness of rights and entitlements is one barrier as is, in some cases, as highlighted above, the lack of clarity around status. Information about employment rights is not concentrated in one place but rather fragmented. There may be good grounds for centralising this, perhaps within ACAS. Ability to fund action against employers / the contracting party is another. The recent imposition of Employment Tribunal fees would have also operated as a deterrent. Whilst these fees have now been lifted, the cost, time and stress associated with any legal action may individually and collectively operate as a barrier, particularly amongst the lower paid and also where trade unions are not well represented. In addition, in some sectors – in particular the supply chain - there may be barriers in terms of who is the correct party to bring a claim against. The TUC is in support of joint and several liability throughout the supply chain for claims made by those working in a supply chain. However, such an approach would do little to promote clarity around the nature of the relationships between the various parties in the chain and unscruplulous employers could become lax about carrying out their responisbilities if they think that it could become "someone else's problem".

---

[1] Middlesex University 'Unpaid Britain' https://unpaidbritain.org/ last accessed 02 April 2018.

[2] 'Nearly 180 employers named and shamed for underpaying thousands of minimum wage workers' 09 March 2018, Low Pay Commission, https://www.gov.uk/government/news/nearly-200-employers-named-and-shamed-for-underpaying-thousands-of-minimum-wage-workers last accessed 02 April 2018.

[3] 'Shifting the risk: Countering business strategies that reduce their responsibility to workers improving enforcement of employment rights', TUC, https://www.tuc.org.uk/sites/default/files/Shifting%20the%20risk.pdf Graeme Weardon, 'Millions of UK workers at risk of being cheated out of pay, TUC warns' The Guardian Online, Monday 2 April 2018, https://www.theguardian.com/uk-news/2018/apr/02/millions-uk-workers-risk-cheated-holiday-pay-minimum-wage-tuc-warns both last accessed 02 April 2018.

4. **What would be the advantages and disadvantages for businesses of state enforcement in these areas?**

As a preliminary observation in this context, the statistics quoted in the consultation paper concerning unpaid awards are concerning. It may be that the majority of these awards are made against small businesses (there appears to be no data on this so this is surmise) but, for as long as the same laws apply to such organisations, there should in our view be strong steps taken to deal with this issue.

Where businesses are wilfully ignoring their responsibilities, we would query whether "naming and shaming" and penalties, on the evidence provided by BEIS, have succeeded if in less than 20% of cases the award in question has been paid. It would we think be fair to say that the recent gender pay gap reporting requirements and also of the #MeToo campaign have brought about almost a sea change in the approach to compliance, where the drivers appear now to be more about maintaining corporate reputation and brand than avoidance of financial penalty. We think, equally, that that is probably confined to medium and large organisations where brand and reputation may be more closely guarded and more readily questioned. Such pressures can lead to mass change which can have a significant beneficial effect on a large number of workers. Whether or not such action may be effective for medium and larger scale companies, this should be backed up with effective state led enforcement for those situations in which mere pressure does not work,regardless of employer size.

The structures exist for this to happen. The Labour Market Enforcement Directorate might be given the task of overseeing this and the allocation within its sphere could be to either HMRC or the GLAA. It is true that this would require resource but if, as we consider should be the case, a very significant reduction in delinquent employers is to be achieved, we consider this would be merited. It should be possible to recoup that cost as part of the enforcement process.

Advantages:
It would assist in a move towards a culture of awareness and compliance amongst businesses that would in turn remove any competitive advantage those businesses that are serial offenders currently gain through non-compliance.

It may also help preserve worker / employer relations because the action is state-led rather than worker-led.

Disadvantages:
Cost to the taxpayer (but see our comments above on recoupment).

5. **What other measures, if any, could government take to encourage workers to raise concerns over these rights with their employer or the state?**

Government could set up a similar complaints process to that relating to national minimum wage complaints. In addition, HMCTS could offer a fast-track tribunal hearing process for holiday pay / sick pay claims. The precise steps to be taken to remedy this problem are as much a matter of political will and priority as legal but it does not appear likely that the current position will be materially changed for the better without introducing at least some level of state enforcement.

<u>Enforcement of employment tribunal awards</u>

6. **Do you agree there is a need to simplify the process for enforcement of employment tribunals?**

See our comments above. It is clear that the current process of requiring the employee to initiate and see through enforcement through the County Court is not working effectively. It is not difficult to see how that process could be intimidating for an unrepresented claimant. Any simplification would be a positive step although it is not easy to see a process which does not involve the claimant having to reengage with the judicial system against the employer.

We would suggest that the interaction between enforcement, the priority of debts in cases of insolvency and the relationship to the NIF should also be considered as no doubt a proportion at least of the cases in which enforcement proves difficult will have insolvency or some other form of distress situation in the background.

.

7. **The HMCTS enforcement reform project will improve user accessibility and support by introducing a digital point of entry for users interested in starting enforcement proceedings. How best do you think HMCTS can do this and is there anything further we can do to improve users' accessibility and provide support to users?**

The publicity and information to be attached to such a scheme would be key. At present information relating to employment rights and Employment Tribunal process is fragmented and disparate. Providing one point of access would be highly desirable and ACAS would be the obvious location for this.

If an enforcement fee is required, currently to be paid by the party seeking enforcement, one solution could be for a fee to be paid by the respondent(s) at the time of submitting the ET3 to the employment tribunal. This fee would be reimbursed if the employment tribunal dismissed the claimant(s)'s case, if the claimant(s) withdrew their case, or if no award was made to a claimant(s). If the claimant(s) claim is successful and an award is made against the respondent(s), the enforcement fee would be reimbursed upon prompt payment by the respondent(s), for example, within 14 days of the remedies hearing / relevant judgment being made.

Government should use the knowledge and experience of national minimum wage and tax enforcement processes and methods. This will allow for alignment across these different, but often overlapping, areas.

8. **The HMCTS enforcement reform project will simplify and digitise requests for enforcement through the introduction of a simplified digital system. How do you think HMCTS can simplify the enforcement process further for users?**

An online tracking service, enabling users to track the progress of enforcement of their award and be informed as to the overall likely length of time, the different stages in the process, etc.

9. **The HMCTS enforcement reform project will streamline enforcement action by digitising and automating processes where appropriate. What parts of the civil enforcement process do you think would benefit from automation and what processes do you feel should remain as they currently are?**

As much of the process as possible should be digitised, from initiating enforcement, to choosing the enforcement court, if a choice is to remain, method of enforcement and tracking of progress / outcome. Victims of unpaid awards are likely to be unfamiliar with and intimidated by a process which requires them, for example, to draft particulars of claim. So far as possible, the system should only require them to insert personal information, case number and the date of the judgment/award with the remainder of the process automated. It must also be taken into account that users that are not represented may not always have access to online systems. Also, any automation/ digitisation must have scope for reasonable adjustments to take account of users with disabilities.

10. Do you think HMCTS should make the enforcement of employment tribunals swifter by defaulting all judgments to the High Court for enforcement or should the option for each user to select High Court or County Court enforcement remain?

See our comments on automation of the system above. Whilst the lesser formality of the County Court would make it a more comfortable place for individuals, it is our experience that at present its resources are so stretched that any additional functions assigned would not be likely to be effective. Default to the High Court might speed up the process, but may well work against the user, that is, in terms of access to justice (legal advice, costs, accessibility, etc.), in addition:

- This action may stretch High Court resources and create a significant backlog of judgments to be enforced. Depending on any delay, this could lead to issues with access to justice.
- It might be preferable to have an escalation system, that is, in cases with significant delays or non-compliance with orders, the judgment could be transferred to the High Court. This would ease the burden on both the County Court and the High Court
- Consider also a costs shift for any enforcement action (High or County Court) to the paying employer to try and address the need for any additional legal advice.

11. Do you have any further views on how the enforcement process can be simplified to make it more effective for users?

See our comments on automation above. In addition, it may be the case that problems with enforcement lie with lack of understanding about the process on the part of claimants and perhaps also employers. Clearer literature from the HMCTS and training for tribunal staff and ACAS on how the enforcement system works may help deal with a number of cases of default.

12. When do you think it is most appropriate to name an employer for non-payment (issued with a penalty notice / issued with a warning notice/ unpaid penalty/ other)?

See generally our comments at Question 4 above. If “naming and shaming” is to continue then, in view of its current apparent lack of real impact on the level of unpaid awards, we would suggest that this should take place at each of the stages of non-payment, that is, penalty notice, warning notice, unpaid penalty. In addition, consideration should also be given to naming employers when an award relating to unpaid holiday pay and/or sick pay is made against them, in a similar way to naming for findings of breach of the national minimum wage requirements. However, we envisage that a number of these cases arise out of the lack of clarity around the status of workers and employees. We would therefore suggest that any such action is considered after (we hope) status becomes clearer following the work of this enquiry. Large employers with significant resources have taken such cases through the judicial system – sometimes with differing results at different stages. Such action seems unduly harsh on employers who are genuinely unclear as to their rights and responsibilities and should not be a deterrent to them seeking clarity from the tribunals and courts. If, however, there is a failure to pay

after status is determined then clearly the naming and shaming process should follow. See further response to question 14 below.

13. What other, if any, representations should be accepted for employers to not be named?

On the basis that court listings are publicly available and that hearings are conducted in open court, the only representations that might be made would relate to those grounds upon which application for a hearing to be held in private can be made.

.

14. What other ways do you think government could incentivise prompt payment of employment tribunal awards?

If payment is made within 7 days and a digital notification is sent to HMCTS to confirm payment has been made by the employer and received by the worker, the employer can be removed from the naming list. This would allow for a 7-day grace period before any naming is undertaken. An enhanced penalty system which might escalate as time elapses may also be effective as would bearing the cost of state enforcement if that approach were to commend itself to Government..

15. Do you think that the power to impose financial penalty for aggravated breach could be used more effectively if the legislation set out what types of breaches of employment law would be considered as an aggravated breach?

From a review of the online Tribunal decision database, there are number of reasons for the low use of aggravated breach penalties (ABP). These include reluctance to order such a penalty where the employer is unrepresented or that the behaviour of the employer was not so severe as to warrant an ABP. The ability of the employer to pay such a penalty is also referred to in the explanatory notes relating to ABPs and is likely to influence the Tribunal in exercising its discretion.

However, in most cases reviewed the Tribunal has ordered (normally during a case management preliminary hearing) that the decision to impose an ABP should be determined at the remedies stage. The online database of decisions does not include any further entries for the cases referred to that inform the view expressed above. It may be that additional orders and judgments have not yet been uploaded, or that the claims have been settled or discontinued.

Therefore, it seems there are a number of factors presently limiting the use of the ABP. Elevating the current position from guidance to, say, a Practice Direction would provide greater awareness and certainty for parties and judges as to when ABPs are to be awarded.

Breaches of employment law

Employment Status

At present, the issue of misclassification of employment status arises through a wide range of potential claims. To date, these have included claims for holiday pay, the national minimum wage, unauthorised deductions from wages and discrimination claims.[4]

Beyond employment status, the legislation could be amended to suggest tribunals to consider an ABP in all cases of repeated failure to pay minimum wage when similar fact patterns exist. However, as noted above, we think this should only be considered as and when employment/worker status has more clarity and/or where there is legitimate debate about calculation methods so as not to penalise employers for availing themselves of the justice system.

Is what constitutes aggravated breach best left to judicial discretion or should we make changes to the circumstances that these powers can be applied?

Employment disputes (particularly those involving employment status where the contract may not resemble reality) often turn on their individual facts and it may be counterproductive to produce highly prescriptive guidance. . However, it may be helpful to expand the current explanatory note,[5] or elevate to the status of Practice Direction to include for example:

a. Is this a case of status on similar facts to a previous claim against the same employer where judgment was given in favour of the claimant?

b. In cases where the employer is a large business and the Claimants are individuals paid the national minimum wage / low paid, the Tribunal may want to consider the employer's conduct during litigation including the use of costs threats and intimidation.

Alternatively it could be left to judicial guidance in appropriate cases.

16. Can you provide any categories that you think should be included as examples of aggravated breach?

In the context of employment status cases, categories could include:

a. Have the contractual documents been shown to be a "sham"? If so, how great is the difference between the contractual documents and the reality of the day to day working relationship?

b. If individuals raised issues regarding employment status, did the employer subject them to a detriment / detriments?

c. In cases with high shortfalls of the national minimum wage and holiday pay.

Beyond employment status, discrimination cases which fall within the middle and/or top *Vento* bands could be examples of aggravated breach.

17. When considering the grounds for a second offence breach of rights who should be responsible for providing evidence (or absence) of a first offence? Please give reasons for your answer.

[4] See for example, *Uber BV v Alsam and others* UKEAT/0056/17, *Pimlico Plumbers Limited and Mullins v Smith* [2017] EWCA Civ 51 and *Dewhurst v Citysprint UK Limited* ET/220512/2016.
[5] Section 16, Enterprise and Regulatory Reform Act 2013.

It is important to clarify what will be classified as a "first offence" in this context. This is likely to be a Tribunal judgment finding that the claimant is a worker or employee and/or the meaning of working time. If this decision is appealed, then the appeal finding on employment status will be relevant.

Showing that there has been a "first offence"

If a claimant is a litigant in person, then they may a) not be aware of aggravated breach and the need to establish a first offence and/or b) struggle to find case law due to lack of knowledge about where it is or knowledge of the appeals process (i.e. if there is a decision in favour of employer overturned on appeal).

Employers will differ in size and have varying resources available to them. While a smaller employer may be unaware of the meaning and effect of aggravated breach or how to search for Tribunal judgments, it ought to be aware of any recent litigation against the organisation on the same or similar matter. Employers with access to legal representation should be advised to make a search if the employer's knowledge is not certain. Further, many employers have insurance in the event of litigation. Insurers should have accurate and comprehensive information as to Tribunal judgments against the employer that may not have been uploaded to the online database.

The Tribunal will have access to the relevant data, though it is unclear how centralised this information is or if it is digitised. Tribunal resources are unlikely to be able to take on the responsibility of identifying if a case involves a "second offence."

Perhaps a solution may be to require the employer either when filing the Response or as part of the case management process to certify that there have not been any previous cases against it making the same or similar claim relating to status and where that claim was decided in favour of the claimant employee.

18. What factors should be considered in determining whether a subsequent claim is a "second offence"? e.g. time period between claim and previous judgement, type of claim (different or the same), different claimants or same claimants, size of workforce etc.

There are several potential factors to consider when determining if a subsequent claim is a second offence. A non-exhaustive list is set out below:

a) Is the original decision being appealed? If so, a decision against the employer should not be classed as a second offence unless it is upheld at appeal (if employment status forms part of the appeal grounds);

b) In some cases, a claimant may not be aware that their employment status will be an issue for example if the claim is simply for unpaid holiday pay. If the employer's defence to the claim includes a denial that the claimant is/ was their worker or employee, then this should trigger the process to check if there has been a "first offence";

c) The question of the type of claimants that will fall within a "second offence" (the same claimants of the first offence or different claimants) is a complex one. If the claimants must be the same as the first offence, how will this be determined? Too narrow a definition could allow

employers to avoid an aggravated breach penalty if they can show the claimants in the current case are slightly different. To avoid this, any requirement that claimants should be the same could be based on "broadly comparable facts" (discussed below).

There may be significant prejudice to employers if a claim brought by an entirely different claimant within the organisation is classed as a "second offence". For example, a senior individual may have been much more involved in any arrangement to classify them as self-employed and had much more autonomy in the process. If this constituted a "second offence" it could prevent parties from freely contracting in accordance with their negotiated preference.

d) It may also be sensible to take the size of the workforce into account and link this to time frames and whether another claim constitutes a second offence. For instance, a larger employer could have a "grace" period of a year after a first offence, to give them the opportunity to address issues arising from the first Tribunal decision. For smaller employers, the period could be two years. A subsequent successful claim would not constitute a second offence during these periods. This could also have the benefit of addressing the issue of effecting organisational change after a negative Tribunal finding, as outlined in the Taylor Review.
e) We would also be concerned that such an approach could put too much pressure on the "first" offence. While some employers and employees are prepared to take cases all the way to tribunal, in many cases, particularly where the sums involved are modest or the employee feels under strain, settlement may be the best option for all concerned. While setting, or not setting a precedent has always been a consideration for litigants in such cases, the status of a "first offence" would heighten these tensions and could, ultimately prove counter-productive.

19. How should a subsequent claim be deemed a "second offence"? e.g broadly comparable facts, same or materially same working arrangements, other etc.

a) Any test for a "second offence" will first need to establish if the employer is the same entity. Whilst not an issue in some cases, it may be in others if the Claimant bringing new claims is contracted by another part of the business. It may be helpful to look to Equal Pay and the "same or associated employers" test at section 79(9) of the Equality Act 2010. This could form the basis for factors to be considered by the Tribunal if it is argued that an employer is not the same. Such a test would allow the Tribunal to take a broad perspective on this issue, which seems to be in line with dissuasive purpose of the ABP.

b) Similarly, the government will also need to consider situations where an employer who has a "first offence" uses subcontractors. If the criteria of any "second offence" does not allow for the possibility that an employer could commit a "second offence" even when subcontracting services, then employers could use this to avoid liability. It may be helpful for the Tribunal to consider the agreements between the employer and subcontractor in these cases, to understand the level of control exercised by the employer in this situation.

c) There may be some interplay between determining if a claim may be a second offence and deeming it to be one. For example, if a "second offence" requires Claimants to be the "same" and this is disputed, the Tribunal may already have considered working arrangements and contractual documents. Again reference could be made to established law relating to "in the same employment"

d) If ABPs are to be used as a deterrent to employers, an approach that allows some flexibility in the facts of each case would be beneficial, such as the "broadly comparable facts test".

Factors to be considered could include working arrangements, the breach of employment law in question, the circumstances surrounding the breach in question (i.e. was any grievance procedure inadequate?) and any exacerbating features.

20. Of the options outlined which do you believe would be the strongest deterrent to repeated non-compliance? Please give reasons

a. Aggravated breach penalty
b. Costs order
c. Uplift in compensation
d. Personal liability for directors

Aggravated Breach Penalty
A publicity campaign to increase awareness of ABP could be timed to coincide with any amendments to the legislation. This would give the government the opportunity to make employers aware of the consequences of non-compliance before litigation starts; it may be the case that employers (particularly smaller employers) will not be aware of costs orders and compensation uplifts until litigation has begun and their representatives have advised them in a specific case. A well-publicised campaign about ABP could lead to employers taking advice much earlier about their potential liabilities. In terms of effectiveness one must also consider the employee. If the penalty is to be paid to the state rather than as additional compensation that may be less of an incentive for the employee to raise the issue at all. The effect of the conduct giving rise to an ABP is felt by the employee and it is s/he that should be the beneficiary of it. By contrast, if the proposal that employers who fail to pay awards should be pursued by the state were to be adopted, any increase or penalty imposed in such circumstances could be used to cover the state's costs in pursuing.

Costs Orders
The government has indicated it plans to increase the maximum aggravated breach penalty to £20,000. Costs incurred by claimant representatives may be significantly higher than this, particularly where there are multiple claimants and where the employer has defended the claim aggressively.
Therefore, the risk of a costs order may well be a deterrent to employers. Similarly, in situations where the employer has previously lost a similar case and still chooses to continue with litigation, this could fall within the Tribunal's existing discretion to award costs against the employer. For costs orders to act as a deterrent, employers must believe there is a real possibility that they will be made. However, such orders should not be used as a deterrent to employers to access the justice system. Case law is constantly evolving and employers should not be deterred from litigating in cases where there is a genuine defence or there has been a change in the law or shift in judicial interpretation.

Uplifts in Compensation
The effect of this on the employer is likely to be the same as an ABP or costs order in the sense that the consequence of unacceptable conduct (however this is defined) is a higher financial award. If this is reflected in a compensation uplift then it is suggested that this is preferable as the beneficiary will be (and ought to be) the employee.

21. Are there any alternative powers that could be used to achieve the aim of taking action against repeated non-compliance?

Deposit Orders

Section 9 of the Employment Tribunals Act 1996 / rule 39 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 allow a Tribunal to order that a party to proceedings pay a deposit of up to £1000 as a condition of:

a) continuing to participate in proceedings; or

b) pursuing any specified allegations or arguments.

When considering whether to make such an order against an employer, the Tribunal could consider whether the employer has lost a similar case in relation to misclassification of employees (or another case involving a similar breach of employment law). If a deposit order is made, this could highlight to an employer the risk of a potential costs order should they continue to fail to comply with employment law.

Criminal liability

See our comments in relation to unpaid awards above. If the current level of recidivism were to be regarded as an important issue requiring speedy resolution then, whilst one would normally be slow to introduce criminal sanctions into what are essential civil issues, it must be highly likely that the prospect of a criminal penalty (with the associated issues for directors personally) would bring about a quick reduction in the current phenomenon. Ultimately this would depend on the seriousness with which this is viewed in terms of social and judicial policy. However criminal liability for breach of employment law is not without precedent, as set out at section 31 of the National Minimum Wage Act 1998.

Personal Liability for Directors

Personal liability on the part of directors or other senior members of staff has been used in other areas – for example the Senior Manager's Regime in financial services and in the fields of health and safety. Financial penalties or action under the director's disqualification legislation could be considered for recidivists, but again this should not be used to deny access to justice over issues which are genuinely a matter for legitimate debate.

Members of the Working Party

Lily Collyer	Baker & McKenzie
Adam Creme	UNISON
Harini Iyengar	11 KBW
Alexandra Mizzi	Howard Kennedy
David Palmer	Allen & Overy
Anna Sella	Lewis Silkin
Catrina Smith	Norton Rose Fulbright (co-Chair)
David Whincup	Squire Patton Boggs
David Widdowson	Abbiss Cadres (co-Chair)
Will Winch	Mishcon de Reya